**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928**

**WP(C).No. 7262 of 2006(M)**
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**PETITIONER:**
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**MORNING STAR MEDICAL CENTRE,**
**ADIMALY, IDUKKI (DIST), REPRESENTED BY THE**
**ADMINISTRATOR, SR.LEO CSN.**

**BY ADV. SRI.JESWIN P.VARGHESE.**

**RESPONDENTS:**
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1. **KERALA STATE ELECTRICITY BOARD,**
   **REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVAN,**
   **PATTOM, THIRUVANANTHAPURAM.**

2. **DEPUTY CHIEF ENGINEER (COMMERCIAL),**
   **KERALA STATE ELECTRICITY BOARD, VYDYUTHI BHAVAN,**
   **PATTOM, TRIVANDRUM.**

3. **SPECIAL OFFICER (REVENUE),**
   **KERALA STATE ELECTRICITY BOARD,**
   **VYDYUTHI BHAVAN, PATTOM, TRIVANDRUM.**

**BY GOVT. PLEADER SRI. MANOJ KUMAR.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C). NO.7262/2006:**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P.1: COPY OF THE APPEAL DT. 13/06/05 ISSUED BY THE R.2. TO THE PETITIONER.**

**EXT.P.2: COPY OF THE JUDGMENT IN W.P. 18259/05 DT. 20/06/05.**

**EXT.P.3: COPY OF THE ORDER OF R.2. DT. 15/02/06.**

**EXT.P.4: COPY OF THE NOTICE OF R.3. DT. 01/03/06.**

**EXT.P.5: COPY OF THE BOARD ORDER DT. 17/03/04.**

**//TRUE COPY//**

**prv.**

**KURIAN JOSEPH, J.**

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**W.P(C)No.7262 of 2006**

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**Dated this the 14th day of March, 2007**

**JUDGMENT**

The writ petition is filed with the following prayers:-

> (i) Call for the records relating to Exts.P3 and P4 and issue a writ of certiorari or any other appropriate writ or order quashing the same.
>
> (ii) Issue a writ of mandamus or any other appropriate writ or order directing the respondents not to levy penalty on detection of faulty capacitors without granting two weeks time going by Ext.P5 Board Order and the guidelines issued by this Court in the decision reported in AIR 2003 Ker.349.

There is no counter affidavit. Since the petitioner seeks the benefit of Ext.P5 Board Order, there will be a direction to the first respondent to look into the appeal filed by the petitioner, which is referred to in Ext.P3 and pass appropriate orders thereon in accordance with law expeditiously. In order to enable the first respondent to pass orders as above Ext.P3 and the consequential Ext.P4 order are quashed. There shall be no recovery in respect of the impugned proceedings till the orders are passed by the Board as above.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.